

**PLANNING COMMISSION RESOLUTION 2006-001  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2005 – 839  
MARCHI & ASSOCIATES (FOR WELLS FARGO BANK)  
ADOPTED: JANUARY 10, 2006**

GENERAL

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Site Development Permit. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.

2. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain the necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District Coachella Valley
- Caltrans

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

3. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457, the State Water Resources Control Board's Order No. 99-08-DWQ and conditions of Specific Plan 2003-066 and Site Development Plan 2004-807.

## PROPERTY RIGHTS

4. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
5. As required of Specific Plan 2003-066 and Site Development Plan 2004-807, the public street right-of-way offers for dedication required for this development include:
  - A. PUBLIC STREETS
    - 1) Highway 111 (State - Major Arterial, 140' ROW) – No additional right of way dedication is required except as conditioned for Specific Plan 2003-066 and Site Development Plan 2004-807.
6. The applicant shall enter into reciprocal access and maintenance agreements across parcels of SDP 2004-807 and SDP 2004-812 as well as the property to the east.
7. Direct vehicular access to Highway 111 is restricted, except for those access points identified on the Specific Plan 2003-066 and/or SDP 2004-807, or as otherwise conditioned in these conditions of approval.
8. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
9. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
10. The applicant shall create perimeter landscaping setbacks along all public right of way as follows:
  - A. Highway 111 (State – Major Arterial) – 50-foot from the R/W-P/L.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g. sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes.

### IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as “engineer,” “surveyor,” and “architect,” refer to persons currently certified or licensed to practice their respective professions in the State of California.

11. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.
12. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.
  - A. On-Site Commercial Precise Grading Plan 1" = 20' Horizontal
  - B. PM10 Plan 1" = 40' Horizontal
  - C. SWPPP 1" = 40' Horizontal
  - D. Storm Drain Plans 1" = 40' Horizontal

NOTE: A through D to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

“On-Site Commercial Precise Grading” plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA

requirements, retaining and perimeter walls, etc. ADA accessibility to public streets, adjacent buildings (including ADA accessibility to the property to the east as approved by the City Engineer) and existing handicap parking shall be shown on the Precise Grading Plans at a scale to be determined by the Public Works Department.

13. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website ([www.la-quinta.org](http://www.la-quinta.org)). Navigate to the Public Works Department home page and look for the Online Engineering Library hyperlink.
14. The applicant shall furnish a complete set of the AutoCAD files of all approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format or a file format that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

#### IMPROVEMENT SECURITY AGREEMENTS

15. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

#### GRADING

16. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC and conditions of Specific Plan 2003-066 and Site Development Permit 2004-807.
17. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.

18. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
  - A. A precise grading plan prepared by a qualified engineer or architect,
  - B. A preliminary geotechnical (“soils”) report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
  - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

19. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
20. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six (6) of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.

Planning Commission Resolution 2006-001  
Conditions of Approval - Final  
Site Development Permit 2005 – 839  
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21. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the Preliminary Grading Plan submitted with this Site Development Permit, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
22. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

### DRAINAGE

23. Stormwater handling shall conform with the approved hydrology and drainage report for Parcel Map No. 29351, or as conditioned and modified for SP 2003-066 and SDP 2004-807 or this Site Development Permit. Nuisance water shall be disposed of in an approved manner. The tributary drainage area shall extend to the centerline of adjacent public streets. Nuisance water shall be disposed of by an underground system approved by the City Engineer.

### UTILITIES

24. The applicant shall conform with all applicable conditions of SP 2003-066 and Site Development Permit 2004-807.

### STREET AND TRAFFIC IMPROVEMENTS

25. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
26. The applicant shall construct the following street improvements to conform with the General Plan street type noted in parentheses.

#### A. OFF-SITE STREETS

- 1) Highway 111 (Major Arterial - State; 140' R/W):
  - a) No widening of the north side of the street along all frontage adjacent to the Site Development Permit is required for its ultimate width as specified in the General Plan and the requirements of these conditions except at

locations where additional street width is needed to accommodate conditions of SP 2003-066 and SDP 2004-807.

- 2) General access points and turning movements of traffic are limited to those approved for SP 2003-066 and SDP 2004-807.

The applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).

27. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Parking Areas	3.0" a.c./4.5" c.a.b.
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or the approved equivalents of alternate materials.

28. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.
29. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

#### PARKING LOT AND ACCESSWAYS

30. The design of parking facilities shall conform to LQMC Chapter 9.150, and conditions of the approved SP 2003-066 and SDP 2004-807; especially the

parking stall and aisle widths and the parking stall striping design. As per the LQMC Chapter 9.150 and the Public Works Department, the following conditions should apply:

- A. Parking aisle widths should be a minimum of 26 feet for two way traffic lanes. The applicant shall redesign and/or eliminate diagonal parking stalls on the east while providing ease of access and backing out and sight distance for the east/west drive aisle to the north at the shared access drive with the property to the east.
- B. The design of the row of stalls and sidewalk along the west side of the building shall take into account curb overhang requirements and ADA clearance widths.
- C. ADA accessibility paths shall be provided to Pad 3 to the west and the adjacent property to the east.
- D. Parking stall striping shall be the City of La Quinta double striped hairpin design.
- E. All entry doorways shall be ADA accessible and shall be approved in the precise grading plan process.
- F. Parking stalls along the drive thru aisle on the east side shall be designated for employee parking only.
- G. Drive thru aisle shall be a minimum of 12 feet in width with corners and entry flared in width, as approved by the City Engineer.
- H. No wheel stops are allowed throughout the parking area.
- I. The applicant shall redesign the building and drive thru aisle layout to provide adequate sight distance at the drive thru connection to the east/west drive aisle to the north of this Site Development Permit which may require elimination of the north employee parking stall.
- J. The hatched loading handicap loading area shall be 8 feet wide to accommodate van accessibility requirements.

## CONSTRUCTION

31. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-



maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

### LANDSCAPING

32. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC, as well as all applicable conditions of SP 2003-066 and SDP 2004-807.

### PUBLIC SERVICES

33. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

### QUALITY ASSURANCE

34. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
35. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
36. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
37. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

### MAINTENANCE

38. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
39. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

### FEES AND DEPOSITS

40. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
41. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

### MISCELLANEOUS

42. Final project design shall consider Police Department safety design suggestions submitted to and on file in the Community Development Department.
43. Final Plans shall be submitted to City Fire Marshal during plan checking and comply with their requirements.
44. The horizontal pop-out band around the building shall be painted Sherwin Williams "cobble brown" SW6082, which is a color used on the building and will contrast with the adjacent plaster color.
45. Vines used on north and east sides of building shall be Calliadra Inaequilatera. On the south and west sides, Bogainvillea shall be provided.
46. The Prosopis Chilensis (Thornless Chilean Mesquite) trees shall be substituted during to its brittle characteristics.

47. Parking lot lighting and double line parking lot striping shall match that used in the other portions of the center.
48. Exterior lighting shall comply with outdoor lighting requirements and restrictions in Section 9.100.150 of the City Municipal Code.
49. An earthen berm, a minimum of four feet higher than the drive-thru lane grade, shall be provided adjacent to Highway 111. If needed, a stem wall adjacent to the north side of the berm shall be provided to provide the required berm height. The access sidewalk to Highway 111 shall be meandered with some berming provided adjacent to the sidewalk. Landscaping shall be provided at the top of the berm to provide additional screening.
50. A row of five gallon Texas Ranger shrubs shall be provided adjacent to the south side of the drive-thru lane for screening.
51. On the south elevation of the building provide a wire trellis in the center arch opening.
52. Landscaping and berming south and east of the drive-thru lane shall be provided to screen the lane to the satisfaction of the Community Development Department. Planting and irrigation adjacent to Highway 111 to be coordinated between the applicant and master developer and installed prior to Community Development Department occupancy clearance for the bank or when the perimeter improvements are installed, whichever occurs first.